



UNIVERSITY OF
TORONTO
FACULTY OF LAW

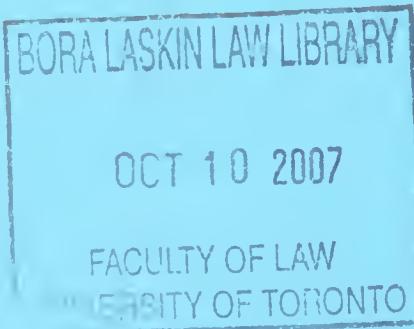


SLAVERY AND LAW IN THE UNITED STATES

INTENSIVE COURSE

Visiting Professor Adrienne Davis

October 2007



Slavery

Prof. Adrienne Davis

Slavery
Fall 2007

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Syllabus

1. Introduction: Last Will and Testament of George Washington and Schedule of His Property; Excerpt, Adrienne D. Davis, *The History and Jurisprudence of Interracial Sex* (unpublished draft); Letter, from Alexander Farrar to Henry Drake of Sept. 5, 1857, reprinted in Michael Wayne, DEATH OF AN OVERSEER: REOPENING A MURDER INVESTIGATION FROM THE PLANTATION SOUTH 43-50 (2001); Thomas Cobb, AN INQUIRY INTO THE LAW OF NEGRO SLAVERY IN THE UNITED STATES OF AMERICA §§ 1-2, 83-86 (1858) [hereinafter, Cobb].
2. Origins & Preliminary Questions: Developing Frameworks: Hudgins v. Wrights, 11 Va. 134 (1806); Act for the Better Ordering and Governing Negroes and Other Slaves in this Province, 7 Statutes of South Carolina 343 (McCord 1690); 3 Statutes of South Carolina 397 (Cooper 1740); Excerpt, Barnett Hollander, SLAVERY IN THE AMERICAS: ITS LEGAL HISTORY 14-15 (1962) [hereinafter Hollander]; Excerpt, Ariela Gross, *Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South*, 108 YALE L.J. 109, 147-151, 156-176; Cobb §§ 18-25, 66-71. Skim Ira Berlin, *American Slavery in History and Memory and the Search for Social Justice*, 90 JOURNAL OF AMERICAN HISTORY (2004).
3. The Master/Slave Relation: State v. Mann, 13 N.C. 263 (N.C. 1829); Atwood's Heirs v. Beck, 21 Ala. 590 (1852); Charles v. Hunnicutt, 9 Va. 311 (1854); Hinds v. Brazealle, 3 Miss. 837 (High Court of Errors & Appeals Miss. 1838); Cobb, §§ 327-334, 340.
4. Slave Legal Personality: Civil Capacity & “Economic Personality”: Cobb §§ 258-281; Sawney v. Carter, 27 Va. 173 (1828); Gorman v. Campbell, 14 Ga. 137 (1853); Waddill v. Martin, 38 N.C. 562 (1845); Malinda & Sarah v. Gardner, 24 Ala. 719 (1854); Bailey v. Poindexter, 55 Va. 132 (1858).
5. Slave Legal Personality: Criminal Law: Isham, A Slave v. State, 7 Miss. 35 (1841); Sarah v. State, 18 Ark. 114 (1856); Worley v. State, 30 Tenn. 172 (1850); William v. State, 33 Ga. Supp. 85 (1864); Excerpt, Adrienne D. Davis, *Making “Waves”: The Politics of Periodization and Race in Feminist Theory* (unpublished draft); Excerpt, Philip J. Schwarz, TWICE CONDEMNED: SLAVES AND THE CRIMINAL LAWS OF VIRGINIA, 1705-1865, at 35-58 (1988).
6. Slavery’s “Sexual Economy”: *George v. State*, 37 Miss. 316 (Miss. Err. & App. 1859); Mississippi statute of 1859 (amending *George v. State*); *Talbert v. Jenny*, 27 Va. 159 (1828); *Hansley v. Hansley*, 32 N.C. 506 (1849); Cobb §§ 36, 107; Excerpts, Diary of

Mary Boykin Chesnut and Remarks of Angelina Grimké.

7. Class Tensions: Patrols: Act for the Better Establishing and Regulating Patrols, 3 Statutes of South Carolina 598 (Cooper 1740); Act for the Better Regulation of the Militia (amendment), 6 Laws of Va. 421 (Hening 1754); Act concerning servants and slaves, 23 Laws of N.C. 388 (Clark 1753), *amended* 24 Laws of N.C. 276 (1779); State v. Boyce, 32 N.C. 536 (1849); Tate v. O'Neal, 8 N.C. 418 (1821); State v. Hailey, 28 N.C. 11 (1845); Thompson v. State, 25 Ala. 41 (1854); Cobb §§ 69, 112a-114; Excerpt, Interview with Richard Mack, an ex-slave.
8. Paper by Professor Davis; Discussion of Student Paper Topics

Appendix

Slave Codes Reprinted from SLAVERY 105-121 (Stanley Engerman et al eds., 2001) (Barbados Act of 1661; *Code Noir* (1685) in Louisiana; Virginia Slave Code 1705, An Act Concerning Servants and Slaves)

Chronology of Notable Events & Statistics, Hollander, 16-21

Major Relevant Legislation & Treaties, Hollander, 32-43

Constitutions of the Eleven Secessionist States, Hollander, 87-108

War Chronology, Hollander, 121-122

Constitutions of the United States of America (1787) & the Confederate States of America (1861), Paralleled, Hollander, 185-212

Dates, (Some) Slave Rebellions in the United States

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¹ See also attached Bibliography.

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¹ Students interested in original sources should also make use of slave autobiographies, many of which exist in edited form in anthologies. The following website is in the process of making available all slave autobiographies published in North America:
<http://docsouth.unc.edu/index.html>.

² Clearly, many of these overlap with other categories, especially “Slave Personality.”

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